

REMARKS

Claims 1-30 remain pending in the instant application. Claims 1-30 presently stand rejected. Claims 1, 4, 6, 8, 12, 13, 18, 22, 26, and 29 are amended. No new matter has been added. Reconsideration of the pending claims is respectfully requested.

Drawings

The Office Action mailed on October 16, 2007 indicated that the drawings are acceptable to the Examiner.

Specification

The disclosure stands objected to because of informalities. The specification has been amended on page 6, line 7 to correct the reference designation for computer system 550.

Claim Objections

Claims 12 and 29 are objected to because of informalities. The claims have been amended to correct the typographical error.

Claim Rejections – 35 U.S.C. § 112

Claims 8-9 and 13-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 has been amended to recite “a” base address. Claim 13 is amended to clarify the entries within the system memory are

replaced. Accordingly, it is believed that the claims as amended particularly point out and distinctly claim the subject matter. Applicants request that the rejections be removed.

Claim Rejections – 35 U.S.C. § 101

Claims 18-25 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 18 and 22 have been amended to recite “a machine-readable recordable medium,” as such, claims non-statutory subject matter. Applicants request that the rejections be removed.

Claim Rejections – 35 U.S.C. § 103

Claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Branch (WO 01/093022 A3) in view of Krishnaswamy (US 6,735,774 B1). Claims 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Branch in view of Krishnaswamy and in further view of Brannock (US 2002/0194313).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

To establish a *prima facie* case of obviousness, three criteria must be met: (1) the prior art references must teach or suggest all the claim limitations; (2) some suggestion or motivation to combine the references must be found in the prior art; and (3) there

must be a reasonable expectation of success. MPEP § 2143. As explained below, Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness.

Example independent claim 1 of the instant patent application as presently amended expressly recites:

vectoring an instruction pointer to a platform-specific firmware-based exception filter in response to an exception;
executing the firmware-based exception filter; and
re-vectoring the instruction pointer to an operating system (OS) exception handler configured to handle the exception

In rejecting claim 1, the Office Action asserts that Branch discloses updating the appropriate pointer in the interrupt vectored table so that it points to the new interrupt service routine. However, Branch does not teach or suggest a firmware-based exception filter. The Office Action asserts that this deficiency is overcome because paragraph B of Branch discloses device drivers, which are alleged to be firmware-based. Applicants traverse this assertion because even assuming for the sake of argument that the device drivers are firmware-based, the device drivers are not a firmware-based exception filter. The discussion in the last paragraph of page 3 of Branch indicates the new device driver may require the execution of a new interrupt service routine. Accordingly, the device driver requires interrupt services, and is not part of the interrupt services itself.

Krishnaswamy does not cure the deficiencies of Branch. An electronic search of Krishnaswamy reveals that the term “firmware” does not even appear in Branch. Accordingly, applicants traverse the assertion that Krishnaswamy discloses execution of

firmware-based exception filter operations. Thus, the cited references fail to disclose each and every element of claim 1, as required under M.P.E.P. §2143.03.

Furthermore, claim 1 as amended recites a platform-specific firmware-based exception filter. The platform specificity allows an interrupt handler to handle platform-specific exceptions (in ways that generic operating systems cannot). Additionally, claim 4 as amended recites prior to OS runtime, loading a set of firmware-based exception filter pointers into the first address space. This enables the OS to be modified (e.g., customized) for a particular platform before the OS begins executing. In addition, claim 6 has been amended to recite wherein the set of firmware-based exception filters comprise firmware-based exception handlers operates in a different execution regime than that of the operating system. As discussed in the specification paragraph 31, this allows private (e.g., platform-specific) hardware (such as MPEG4 compression hardware) to have special handling for undefined opcode exceptions. These recitations are not taught or suggested by the cited art. Accordingly, claim 1 is believed to be allowable. Independent claims 13, 18, and 22 include similar nonobvious elements as original independent claim 1, and are thus allowable.

With regard to claim 26, Brannock is cited for allegedly resolving the deficiencies of the combination of Branch and Krishnaswamy. However, Brannock is directed to flash devices, which fails to teach, disclose, or fairly suggest a firmware-based exception filter. Accordingly, claim 26 is allowable. Accordingly, Applicants respectfully request that the §103(a) rejections of claims 1, 13, 18, 22, and 26 be withdrawn. The dependent claims are novel and nonobvious over the cited references for at least the same reasons as discussed above in connection with their respective

independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims also be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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